



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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September 1, 2005

TO: ALL KENTUCKY PETROLEUM MARKETERS

Re: Retail Gasoline Prices; Executive Order 2005-943 and KRS 367.372

Please be advised that Kentucky Governor Ernie Fletcher has signed Executive Order 2005-943, declaring a State of Emergency in the Commonwealth of Kentucky as of August 30, 2005 and ordering, pursuant to KRS 367.372, that no person shall sell or offer to sell gasoline at a price grossly in excess of the price prior to the declaration of the Executive Order. Through the Governor's entry of this Executive Order, the Kentucky Attorney General is vested with authority to investigate and prosecute price gouging in the retail sale of gasoline.

Attached please find a copy of this Executive Order activating the provisions of KRS 367.372 through 367.378, the portion of the Kentucky Consumer Protection Act prohibiting grossly excessive prices during a declared state of emergency. **This Office encourages and welcomes your assistance in ensuring compliance with these laws.** You will note that the penalty for violation of this law ranges from Five Thousand Dollars (\$5,000) for the first willful violation up to Ten Thousand Dollars (\$10,000) for each subsequent violation. KRS 367.378. Each unlawful sale is a separate violation.

Our Consumer Protection Division has already fielded numerous consumer complaints relative to this matter and will continue to process and investigate such complaints. In addition, the Division is utilizing the Kentucky Bureau of Investigation to assist in determining whether price increases are justified by market conditions rather than profiteering.

I am committed to full and vigorous enforcement of this law and appreciate your immediate attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory D. Stumbo".

Gregory D. Stumbo  
Attorney General

Attachment

